IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 2843 of 2007(L)

PETITIONER:

P.KUNHIKANNAN,
M/S. SAKTHI TYRE WORKS, KAMBIL, KOLACHERY.

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENTS:

1.THE ENCIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, KANNUR.

2.THE KOLACHERY GRAMAPANCHAYAT,
REPRESENTED BY ITS SECRETARY, P.O.KOLACHERY,
KANNUR DISTRICT.

3.A.P.AMINA, KEELATH PUTHIYA PURAYIL,
P.O.KOLACHERY, KANNUR DISTRICT.

4.THE KERALA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

R1 & R4 BY ADV.MR.M.K.CHANDRAMOHAN DAS, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.2843 of 2007

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Dated: 24th January, 2007

JUDGMENT

Ext.P9 order rejecting the application for consent has been issued by the 1st respondent without considering Ext.P7 detailed reply submitted by the petitioner, so complains the petitioner. Adv.Mr.M.K.Chandramohan Das, Standing Counsel for the Pollution Control Board submits that Ext.P7 was never received by the 1st respondent. If Ext.P7 had been received by the 1st respondent, there is no reason as to why he should not consider the same. Mr.R.K.Muralidharan, learned counsel for the petitioner has not been able to place on record any material which will show that Ext.P7 was sent to the 1st respondent and that the 1st respondent has received the same. However since some serious objections are seen raised in Ext.P7, I am inclined to direct a reconsideration of the issue by the 1st respondent. Ext.P9 is accordingly quashed and there will be a direction to the 1st respondent to consider Ext.P7, hear the petitioner and the third respondent and take a fresh decision on the question of granting consent to the petitioner for establishing a tyre resoling unit. Decision as directed above will be taken within one month of receiving a copy of this judgment. The petitioner has a grievance that he has not been able to come across the norms issued by the

Pollution Control Board regarding the safety distances to be kept from the nearest places of residence etc. etc. It is open to the petitioner to request the 1st respondent for supply of a copy of the norms at the time of hearing and if request is made in that regard, the 1st respondent will make available a copy of the norms for the petitioner's perusal.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**